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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,540	07/30/2003	Owen B. Weikle	C64.12-0046	7490
27367	7590	08/10/2005	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1600 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,540

Applicant(s)

WEIKLE, OWEN B.

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

112 Second Paragraph Rejection

1. Claim 11 recites the limitation "the base plate" in lines 11 and 15; "the housing carrying studs" in lines 16-17. There is insufficient antecedent basis for this limitation in the claim.

Claim 14, line 4, "the base plate" lack antecedent basis.

Art Rejection

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weikle (US 6186826).

Regarding claim 1, Weikle shows:

An existing wall jack plate (18) having mounting studs (12E);

An adapter (10) comprising:

A housing (20) including a base plate (22), a cover (16), a pivotal latch (46);

A position (46 in broken line in fig. 2) wherein the housing (20) can be placed against an existing jack plate (18);

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A position (46 in solid line in fig. 2) wherein the latch (46) engages an existing stud (12E) on the jack plate (18) to secure the housing (20) to the jack plate (18).

Regarding claim 11, Weikle shows:

An existing wall jack plate (18) having mounting studs (12E);

A DSL adapter (10) comprising:

A housing (20) including a back plate (22), a cover (16), a circuit board (67, 69 etc.) having a connection (i.e. 38) to the wall jack (18); at least one output jack (14); housing carrying studs (12); latches (32b; 46) mounted in the housing (20) and movable from a position (46 in broken line in fig. 2) wherein the housing (20) can be placed against an existing jack plate (18) to a position (46 in solid line in fig. 2) wherein the latches (32b, 46) engages an existing stud (12E) on the jack plate (18) with the base plate (22) against the jack plate (18).

Regarding claims 2, 5-7, Weikle shows:

The housing (20);

The circuit board (67, 69 etc.) having a DSL filter (col. 1, line 43);

The wall jack (with 18);

The flexible pivotal latch (46); and

The housing studs (12).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 8-10, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weikle in view of Kiko et al. (US 2003/0048895 A1).

Regarding claim 3, Weikle shows the latch (32b, 46) which mate with the existing studs (12E) of a wall jack (18).

Weikle differs from the claimed invention in that one latch (32b) is fixed, the other latch (46) is pivotal, instead of having a pair of pivotal latches.

However, the concept of providing the latch is well taught by Weikle, the court also stated that to provide duplicated parts for multiple effects does not constitute patentable weight (St. Regis Paper Co. v Bemis Co., 193 USPQ 8, 7th Cir. 1977). In this case, the concept of providing the pivotal latch (46) is well taught by Weikle, the duplicated parts are to provide two pivotal latches, and the multiple effects are to provide two pivotal points for latching or unlatching the latch. This concept is also taught by Kiko, in which it provides two duplicated latches (124, 125) in the same environment as Weikle.

Hence, it would have been obvious for one of ordinary skill in the art to modify Weikle with two pivotal latches instead of one as taught by the law case or Kiko, this simple can be considered as duplicating parts of Weikle to facilitate the use of the adapter with an existing wall jack, as long as the basic concept of latching the adapter to the wall jack is

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substantially unchanged (see law case above, and also page 1, paragraph 0010 in Kiko).

Regarding claims 4, 8-10, 12-16, the combination of Weikle and Kiko shows:

The housing having openings (see 40 in Weikle; 128 in Kiko) for the latches (46 in Weikle; 124-125 in Kiko) which can be on the base plate (Weikle) or the front cover (Kiko);

The pair of flexible pivotal latches (46 in Weikle, see comments in claim 3);

Pivot supports (48 in Weikle) for receiving the pivot members (46);

The concept of providing detents for holding the latches in the latches and open positions (see 176 in Kiko);

The releasable connectors (88 in Weikle) for holding the cover (16) on the base plate (22);

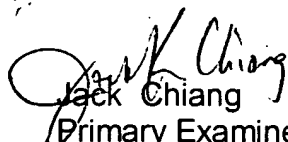
The latches (i.e. 46 in Weikle) having receptacle (see 50) for the shank of the studs (12E).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
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